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Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to the Title of the invention as not being descriptive and requires a new Title. In response, the Title has been amended to --Capsule Endoscope Having Means for Detecting Internal Temperature of Internal Electric Circuits--. Accordingly, it is respectfully requested that the objection to the Title be withdrawn.

In the Official Action, the Examiner rejects claims 1, 2 and 4 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0045801 to Niida et al., (hereinafter "Niida"). Furthermore, the Examiner rejects claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Niida in view of U.S. Patent No. 4,757,347 to Tamaoki (hereinafter "Tamaoki").

In response, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102(a) and 103(a) for at least the reasons set forth below.

In the Official Action, the Examiner argues that Niida shows a capsule endoscope having a temperature detection means for detecting an internal temperature of the lighting unit and controlling power supply to the lighting unit based on the temperature detection. Applicants respectfully disagree.

Firstly, Niida is directed to a conventional endoscope (reference numeral 1 in Figure 1), not to a capsule endoscope. Secondly, the temperature detection means (27) referred to by the Examiner is not within the endoscope, but is housed within the main apparatus (2) (light source unit) that the endoscope plugs into (see Figure 1). Therefore, the endoscope of Niida is not a capsule endoscope as recited in claim 1 and the temperature

detection means (27) is not disposed within the endoscope but in a peripheral device (the main apparatus).

Therefore, Niida is directed to a general endoscope. The temperature detecting means is housed in the light source unit which is a peripheral device, not in the endoscope body to be inserted in the body. The temperature detecting means is for causing the lamp that supplies observation illumination light to the illumination optical system of the endoscope to be maintained and kept turned on appropriately. The temperature detecting means notifies the user of a malfunction of the lamp, to allow prompt performance of the action for normally turning on the lamp.

In contrast, the present invention is directed to a capsule endoscope. The capsule endoscope is inserted into the body, and thus is required to be safer than the above-mentioned peripheral device and to be smaller in size to permit for easy inspection. The capsule endoscope is further required to achieve higher level of safety in a limited space, since it is difficult to promptly operate the capsule endoscope inserted in the body.

For these purposes, at least one of the internal electric circuits comprising one or more of the image pickup unit, the signal processing unit, the communication unit, and the lighting unit of the capsule endoscope, or at least one of power supply lines constituting a part of the internal electric circuits is provided with the temperature detection means, and further, with the temperature determination means and the power control means that controls power supply to the internal electric circuits.

This construction allows achieving higher level of safety by performing a control to interrupt power supply from the power supply unit in an occurrence of malfunction, abnormal state or the like of the internal electric circuits, thus constantly achieving a sure

inspection, diagnosis, or the like. The Niida reference simply does not disclose or suggest such features.

With regard to the rejection of claims 1, 2 and 4 under 35 U.S.C. § 102(a), a capsule endoscope having the features discussed above and as recited in independent claim 1 is nowhere disclosed in Niida. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"¹ independent claim 1 is not anticipated by Niida. Accordingly, independent claim 1 patentably distinguishes over Niida and is allowable. Claims 2 and 4 being dependent upon claim 1 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2 and 4 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 5 and 6 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 5 and 6 are at least allowable therewith because they depend from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 5 and 6 under 35 U.S.C. § 103(a).

Furthermore, the Applicants respectfully submit that at least claims 5 and 6 patentably distinguish over the cited references independently of their base claim. Tamaoki is directed to a copying apparatus wherein a temperature detector with a built-in thermistor and a thermal fuse is provided on a surface of a heat roller. In contrast, in the capsule endoscope of claims 5 and 6, the thermal fuse or thermistor is arranged, as temperature detection means, on the power supply line of the internal electric circuits. This arrangement is very efficient in

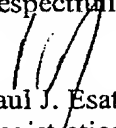
¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

terms of circuit configuration and reduction of space occupancy in the capsule endoscope having only a limited amount of space. Therefore, the capsule endoscope as recited in claims 5 and 6 is entirely different from Tamaoki, which does not disclose or suggest the features thereof.

Lastly, claim 1 has been amended to recite that the "internal electric circuits comprising one or more of an image pickup unit ..." Thus, the amendment to claim 1 broadens the claim scope thereof in order to clarify that the capsule endoscope does not have to have the temperature detection means for each of the listed internal electric circuits. The amendment to claim 1 is fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the amendment to claim 1.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


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